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MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Carol A. Tosaya, et al.	:	
Application No. 10/826,232	:	ON PETITION
Filed: April 16, 2004	:	
Attorney Docket No.: D-03020A	:	

This is a decision in response to the petition, filed March 8, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is DISMISSED because it is not properly signed in accordance with 37 CFR 1.33(b). The petition, as executed, appears to be filed by one of the two joint inventors.

37 CFR 1.33(b) states:

“Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) **All of the applicants** (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.” Emphasis added.

Since the petition is not signed by an attorney or agent registered to practice before the Patent and Trademark Office; all the applicants for patent; or the assignee or other party in interest as established by 37 CFR 3.73(b), it cannot be accepted.

At present, no consideration on the merits of the petition has been given.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" and should be delivered through one of the following mediums:

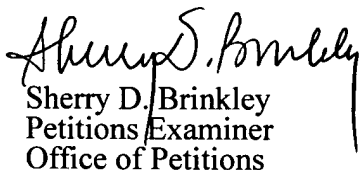
By mail: Mail Stop PETITIONS
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By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)